

REMARKS**35 U.S.C. § 112**

Applicant respectfully points out that the mere recitation of "a frame" is readily understood by those skilled in the art and is supported in the specification in figure 4 at references numerals 12, 314, and 322, which are described in the specification at page 11 line 20 through page 12 line 4 as a vertical support stand 314 and an overhead track 322. Those with skill in the art will appreciate that these components together comprise a frame.

However, Applicant has amended the use of the term "frame" with regard to the third and fourth limitations reciting bale strap drivers and bale strap fasteners. There, the term "frame" has been replaced by the term "head walls". Head walls are supported in figures 10 and 12 at reference numeral 702 and further supported in the specification at page 19, line 6.

The amendments herein overcome the rejection based on the use of the term 'support head assemblies' in claims 3 and 6.

Claim 4 has been amended to overcome the rejection based on the recitation of the term "said wire fasteners". The term "bale strap fasteners" has been used in the amended claim.

Claim Rejections under 35 U.S.C. § 102

The Neitzel reference (3,213,780) cannot anticipate claim 1 because of the Neitzel reference has only a single strap driver. That is, multiple straps are driven by a single driver motor (147 in figure 2, see also, Column 5 lines 13-22 and Column 6 lines

19-31.) The present invention has a plurality of motors, as originally claimed. The claim has been amended to clarify, and only to clarify, without changing the scope of the claim coverage, the structure previously recited as a plurality of "bale strap drivers." The driver is comprised of a driver motor and a driver which in turn is comprised of, in the depicted embodiments, friction wheels. The Neitzel reference discloses multiple drivers, but they are all driven through a complex and difficult to maintain assembly of components powered by a single motor. In the event of breakdown, all baling operations must stop when using machines designed as in the Neitzel reference. In the present invention each driver has its own motor so that the baling operations may continue when an individual motor has a malfunction. This "plurality" of motors, embodying the patentable distinction over the Neitzel reference, was recited in the original claim. Without altering the claim scope, the current amendment makes a clear structural recitation of the patentable distinction between it and the Neitzel reference.

35 U.S.C. § 103

The balance of the claims, that is claims 3-9 and 16-22, are rejected as obvious over Sauer (3,720,158). Contrary to the Neitzel reference, Sauer discloses a single strap driver translating carriage. The Sauer device is extremely slow. Again, the patentable distinctions of the present invention are structurally recited in the claims as originally filed. The claims have been amended, again without altering their scope, to clarify that the multiple head walls supporting multiple drivers are structurally recited, distinguishing the claim structure over the Sauer reference.

Respectfully submitted,



By: Robert C. Haldiman, Reg. No. 45,437
Husch & Eppenger, LLC
190 Carondelet Plaza, Suite 600
St. Louis, MO 63105
309-637-4900
309-637-4928 FAX